

PATENT
4653-0104P

IN THE U.S. PATENT AND TRADEMARK OFFICE

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Applicant: Young-Kwang BYUN Conf.: 4265
Appl. No.: 10/671,563 Group: 3728
Filed: September 29, 2003 Examiner: Unknown
For: COSMETICS CASE HAVING RECEIPT DRAWING
TOILET SET

OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. § 1.182 and §1.313(c)(2)

MS PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 16, 2005

Sir:

The Honorable Commissioner is respectfully requested to withdraw this Application, which Applicant believes is scheduled to issue on November 22, 2005, from issue under 37 CFR §1.313(c)(2) to consider a Request for Continued Examination (RCE) filed on even date herewith. The Submission required to be submitted with the RCE under 37 CFR §1.114(c) is the Petition filed in this Application, under 37 CFR §1.181, on January 3, 2005, with attachments, which seeks to substitute the drawings of the present application with those of application Serial No. 10/671,507 and to

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substitute the drawings of Serial Number 10/671,507 with those filed in the present application.


Applicant respectfully notes that a similar Petition under 37 CFR §1.181, filed in co-pending Application Serial No. 10/671,507, has been granted. A copy of that decision is attached hereto.

The Petition Fee in the amount of \$130.00 is enclosed. However, if no fee is found or is an insufficient amount please charge Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any fees required under 37 CFR 1.16 or 1.17.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  Reg. No. 46472, for
Joseph A. Kolasch, #22,463

JAK/RJW:gf
4653-0104P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s): Copy of Petition Decision in Serial No. 10/671,507



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

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United States Patent and Trademark Office
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In re Application of
Byun
Application No. 10/671,507
Filed: September 29, 2003
Attorney Docket No. 4653-0105P

OFFICE OF PETITIONS
Decision on Petition

This is a decision on the petition filed February 2, 2005, requesting application's drawings be replaced by copies of drawings filed in application no. 10/671,563.

The petition is **granted**.

Facts:

The instant application and application no. 10/671,563 were both filed on September 29, 2003. Both of the applications listed above have the same inventor.

For unknown reasons, the drawings intended for application no. 10/671,563 were placed in the file for application no. 10/671,507. The drawings intended for application no. 10/671,507 were placed in the file for application no. 10/671,563.

On November 2, 2004, a non-final Office action was mailed for the instant application. The Office action indicated the 3 drawing sheets did not correspond with the remaining parts of the application. As a result, petitioner discovered the drawings for the two applications had been switched.

The instant petition was filed on February 2, 2005.

A final Office action was mailed on May 6, 2005. A copy of a reply to the final Office action cannot be located in the file. **Therefore, the application is abandoned.** Petitioner may wish to file a petition to revive under 37 CFR 1.137(b).

Analysis:

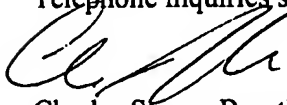
Petitioner requests the drawings for the instant application be replaced by a copy of the drawings filed in application no. 10/671,563. Petitioner also requests the application retain a filing date of September 29, 2003.

Since the drawings intended for the instant application were in fact present in the PTO on September 29, 2005, the copy of the drawings from application no. 10/671,563 filed February 2, 2005, will be accepted and the application will retain a filing date of September 29, 2003.

The 3 sheets of drawings filed in the instant application on September 29, 2003, will remain in the file but will not be entered. The instant application will be reprocessed using the copy of Figures 1-7 filed on February 2, 2005.

The Office of Initial Patent Examination will be informed of the instant decision and will reprocess the application with a filing date of September 29, 2003, using the 3 sheets of drawings filed on February 2, 2005.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<p>Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</p> <h2 style="text-align: center;">FEE TRANSMITTAL</h2> <h3 style="text-align: center;">For FY 2005</h3>		<p>Complete if Known</p>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	Patent#: 6,966,719
		Filing Date	Issued: November 22, 2005
		First Named Inventor	Young Kwang BYUN
		Examiner Name	K. D. Huynh
		Art Unit	3751
TOTAL AMOUNT OF PAYMENT (\$) 130.00		Attorney Docket No.	4653-0104P

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METHOD OF PAYMENT (check all that apply)

☒ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☐ Deposit Account
 Deposit Account Number: 02-2448
 Deposit Account Name: Birch, Stewart, Kolasch & Birch, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee
☐ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

OFFICE OF PETITIONS

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims
 1 - = x = Fee (\$) Fee Paid (\$)

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)
 1 - = x =

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

_____ - 100 = _____ /50 _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

	Fees Paid (\$)
Petition Fees: \$130 fee (no small entity discount)	130.00
Other (e.g., late filing surcharge): _____	

SUBMITTED BY			
Signature	<i>James T. Eller, Jr.</i>	Registration No. (Attorney/Agent)	39,538
Name (Print/Type)	James T. Eller, Jr.	Telephone	(703) 205-8000
		Date	November 16, 2005